

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF WILLIAMS

NORTHWEST JUDICIAL DISTRICT

Miguel B. Perez Luis Olivares Medina, Plaintiffs, vs. Black Hills Trucking, Inc., Melvin L. Nordhagen Defendants.	Case No. 53-2015-CV-00739 Complaint and Demand for Jury Trial
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1. COMES NOW the Plaintiffs Miguel B. Perez and Luis Olivares Medina, by and through counsel, Thomas J. Corcoran, of Corcoran Law PLLP, 602 4th Ave W, Williston, ND 58801, for their causes of action and claims for relief against Defendants Black Hills Trucking, Inc. and Melvin L. Nordhagen. Upon information and belief, Plaintiffs allege and show as follows:

I. PARTIES, JURISDICTION AND VENUE

2. Plaintiff Miguel B. Perez (Perez) is a resident of the state of North Dakota, and has been for at least the 6 months immediately preceding the commencement of this action.
3. Plaintiff Luis Olivares Medina (Medina) is a resident of the State of North Dakota, and has been for a least the 6 months immediately preceding the commencement of this action.
4. Upon information and belief, Black Hills Trucking, Inc. (Black Hills) is a foreign business corporation doing business in Williams County, North Dakota.

5. Upon information and belief, Black Hills is organized under the laws of the State of Wyoming.
6. Upon information and belief, Black Hills is in the business of the transportation of crude oil, petroleum, products & equipment.
7. Upon information and belief, Black Hills' principal office is located at 455 N Poplar, PO Box 2360, Casper, WY 82602-2360.
8. Upon information and belief, Defendant Melvin L. Nordhagen (Nordhagen) is a resident of Spokane, WA residing at 16116 N. Austin Rd, Spokane, WA 99208
9. The Court has jurisdiction over this action pursuant to N.D. Const. Art. VI, § 8 and N.D.C.C. § 27-05-06.
10. Upon information and belief, this Court has personal jurisdiction over Defendants pursuant to North Dakota Rule of Civil Procedure 4(b)(1).
11. Alternatively, this Court has personal jurisdiction over Defendants pursuant to North Dakota Rules of Civil Procedure Rule 4(b)(A), (B) & (H).
12. Venue is proper in Williams County pursuant to N.D.C.C. § 28-04-05 and N.D.C.C. § 28-04-04.

II. FACTS

13. On July 13th, 2014 both Plaintiffs were passengers in a vehicle traveling on Hwy 85 in Williston, ND.
14. On this date, and at all times relevant, Nordhagen was employed as a commercial driver for Black Hills.
15. On this date, Nordhagen was operating a semi-truck for Black Hills and struck from behind the vehicle in which both Plaintiffs were traveling.

16. Nordhagen, while in the scope of his employment with Black Hills, negligently and carelessly operated the vehicle that struck Plaintiffs vehicle.
17. Nordhagen, negligently and carelessly failed to maintain a safe distance from Plaintiffs vehicle, thus causing the accident.
18. As a result of the accident, Perez suffered a right hip fracture, and injuries to his head, arm and shoulder.
19. As a result of the accident, Perez will endure life-long pain and suffering and require ongoing medical care which includes: ongoing hip pain, rotator cuff injury, bursitis, ongoing shoulder pain, and traumatic brain injury.
20. As a result of the accident, Medina suffered severe life-threatening injuries including multiple lacerations to his spleen, a pneumothorax and a collapsed lung. These injuries required an open splenectomy, multiple chest tubes and significant hospitalization and treatment.
21. As a result of the accident, Medina will have lifelong, progressive symptoms, physical impairment and subsequent disability which will require long-term medical care.
22. As a result of the accident, there will be an adverse impact on Medina's vocational and avocational opportunities and activities.

IV. COUNT ONE – NEGLIGENCE

23. Plaintiff reasserts all preceding paragraphs and incorporates them by reference.
24. Nordhagen owed a duty of reasonable care to Plaintiffs in the operation of the Black Hills truck and breached that duty when he failed to operate the vehicle in a safe, reasonable and prudent manner.
25. As a proximate result of Nordhagen's negligence, Plaintiffs sustained severe and permanent injuries to their person, and have and will incur ongoing and substantial

pain, suffering, emotional distress, disabilities and vocational and avocational limitations.

V. COUNT TWO – RESPONDEAT SUPERIOR

26. Plaintiff reasserts all preceding paragraphs and incorporates them by reference.
27. At the time of the accident, Black Hills was the owner of the vehicle negligently operated by Nordhagen.
28. At the time of the accident, and at all times relevant, Nordhagen was an employee, agent or representative of Black Hills, and was driving the Black Hills vehicle with the permission and consent of Black Hills.
29. At the time of the accident, and at all times relevant, Nordhagen was an employee, agent or representative of Black Hills and, as a result, Black Hills is responsible for the conduct of Nordhagen within the scope of his employment.

VI. PRAYER FOR RELIEF

30. WHEREFORE, Plaintiffs are entitled to compensation for all elements of damages provided for by the laws of North Dakota, including compensation for past and future pain, discomfort, mental anguish, inconvenience, physical impairment, emotional distress, loss of society and companionship, permanent injury, impairment of health, the disabling effects of the injuries to Plaintiff, fear of injury and economic damages in form of lost income, diminished earning capacity and all amounts expended and to be expended in the future for medical expenses.
31. WHEREFORE, Plaintiff prays for judgment against Defendants as follows:
- a. Compensatory damages in an amount to be determined by the jury;
 - b. Costs and disbursements incurred in this action and for such other as provided by law; and

c. Further relief as the Court deems just and equitable

VII. JURY DEMAND

32. Plaintiff requests trial by jury.

Dated this 24th day of June, 2015

Respectfully submitted,

/s/ Thomas J. Corcoran

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